

REMARKS

Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested.

Status of the Claims under 37 CFR 1.173(c)

Claims 5, 6, 7, 10, 44, and 49 were once amended in the Preliminary Amendment dated October 31, 2001. Claim 5 was amended to correct a typographical error. Claims 6, 7, 10, and 49 were amended to account for changes in dependencies resulting from cancelled claims. Claim 44 was amended to avoid a redundancy in reciting the feature of cancelled claim 43, now recited in independent claim 38, from which claim 44 depends.

Claims 1, 26, and 38 are thrice amended, once in the Preliminary Amendment dated October 31, 2001, again in the Amendment in Response to Non-Final Office Action dated May 20, 2008 and presently. Claim 1 was amended to incorporate the features of now-cancelled claim 2, and correct a typographic error and currently to match the claims as issued. Claim 26 was amended to correct a typographic error. Claim 38 was amended to incorporate the features of now-cancelled claim 43, and to correct the typographic error described below.

Claims 52-95 were new in the Preliminary Amendment dated October 31, 2001. Claim 52 depends from claim 1, and further narrows the configuration of the removable portion and the remainder portion, limiting the former to the entire top edge and the latter to the entire bottom edge. Support for the claim is present, for example, in originally issued claim 1 and Figures 2A, 2B, and 2C. Claims 53-95 are combinations of the originally issued independent claims amended to incorporate some features of the originally issued dependent claims

Claims 2, 43, and 48 were cancelled without prejudice or disclaimer of the subject matter recited therein.

No claim amendments that were not previously introduced are being introduced by way of this paper.

No new matter has been added.

Claims 1, 3-42, 44-47, and 49-95 are now pending.

Rejections under 35 U.S.C. § 251

Claims 1, 3-42, 44-47, and 49-95 were rejected under 35 U.S.C. §251 for having a defective reissue declaration. Specifically, the Examiner asserts that Applicants' Reissue Declaration filed on January 20, 2009 ("the Declaration") is defective because claim 13 has a broader scope than amended claim 1 and has not been amended. Applicants respectfully traverse.

Applicants specifically traverse the Examiner's comment that "original patent claim 13 was already even broader than the coverage provided by the scope of original patent claim 1." Office Action dated July 6, 2009, page 2. The elements of both claims are presented below. The elements that differ in scope are bolded. The element added to claim 1 in this reissue is underlined.

A careful reading of the table below will clearly illustrate that claim 1 was broader as issued. As can be seen, both claims 1 and 13 contained substantially identical elements regarding the elongated sheet and the adhesive applied to the back sheet. Claim 1, as issued, contained no further limitations whereas claim 13 contained an additional element regarding a strip of the adhesive reducing coating. It is axiomatic that a claim containing one or more limitations not present in other claims, is narrower in scope, not broader.

Further, Applicants submit that claim 13 was narrower than claim 1 on issuance and currently in the reissue does not have a broader scope than claim 1, it has a different scope than claim 1. Claim 13 is patentably distinct over the prior art of record, including European Patent Application 0 283 064, based on its original limitations. Applicants have not changed the scope of claim 13, nor is the narrowing subject matter of claim 1 of new scope, amended claim 1 is identical in scope to claim 2 as issued.

Claim 1 (As Amended in Reissue)	Claim 13 (As Issued and Unamended in Reissue)
A removably replaceable label comprising:	A label comprising:
an elongated sheet having a front surface, a	an elongated sheet having a front surface, a

rear surface and a first end, a second end, a top edge and a bottom edge, said sheet comprising of a removable portion and a remainder portion, said removable portion and said remainder portion each having identifying indicia printed on a front surface thereof;	rear surface and a first end, a second end, a top edge and a bottom edge, said sheet comprising of a removable portion and a remainder portion, said removable portion and said remainder portion each having identifying indicia printed on a front surface thereof;
wherein said rear surface having an adhesive coating applied to substantially the entire surface, an adhesive reducing coating being applied to said adhesive coating adjacent to said first end of said elongated sheet, and	said rear surface having an adhesive coating applied to substantially the entire surface, an adhesive reducing coating being applied to said adhesive coating adjacent to said first end and
<u>wherein said sheet has a score extending a predetermined distance from said one of said first end and said second end toward the other one of said one of said first end and said second end.</u>	<u>to a strip of said adhesive coating extending for a predetermined distance toward said second end of said elongated sheet.</u>

Thus, Applicants submit that the Declaration is proper under 35 U.S.C. § 251. Accordingly, withdrawal of the rejection of claims 1, 3-42, 44-47, and 49-95 under 35 U.S.C. §251 is respectfully requested and the case passed to issue.

Application No.: 10/002,950
Response dated September 30, 2009
Office Action dated July 6, 2009

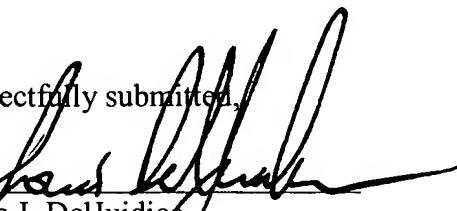
CONCLUSION

Each and every point raised in the Office Action dated July 6, 2008 has been addressed on the basis of the foregoing remarks. In view of the foregoing, it is believed that each of the pending claims is in condition for allowance, and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Dated: September 30, 2009

Respectfully submitted,

By 
Louis J. DelJuidice

Registration No. 47,522
DARBY & DARBY P.C.
P.O. Box 770
Church Street Station
New York, New York 10008-0770
(212) 527-7700
(212) 527-7701 (Fax)
Attorney For Applicants